

REMARKS

Claims 1-31 are pending in this application. Applicant respectfully requests reconsideration of the pending claims, in view of the claim amendments above and comments below.

As per Applicant's interview with the Examiner on July 12, the Applicant has amended independent claims 1 and 24.

Independent claim 1 now includes the limitation,

"providing an implantable neurostimulator comprising circuitry, at least one lead adapted to be in contact with nerve tissue, and coil for communication; wherein said implantable neurostimulator comprises an implantable pulse generator module and a stimulus-receiver module that receives external stimulus signals and is capable of applying said electrical pulses independently of said pulse generator module".

Independent claim 24, now includes the limitation,

said implantable neurostimulator comprising circuitry, at least one lead adapted for providing electrical pulses to said nerve tissue, and a coil for communication; wherein said implantable neurostimulator comprises an implantable pulse generator module and a stimulus-receiver module that receives external stimulus signals and is capable of applying said electrical pulses independently of said pulse generator module".

An implantable neurostimulator comprising an implantable pulse generator module and a stimulus-receiver module that receives external stimulus signals and is

capable of applying said electrical pulses independently of said pulse generator module is unique and is not disclosed in the cited references.

Independent claim 8

In independent claim 8, the method steps,

"transmitting new patient information or data related to neurostimulation programs;

updating said transmitted information on said mobile device or on a remote computer using said mobile device; and

updating billing and/or patient information on a remote computer using said mobile device"

are unique and are improvements which are not disclosed in the cited references.

Independent claim 15

In independent claim 15, the elements,

"a software configured and adapted for storing updated patient information in said remote mobile device; and

a software configured and adapted for updating and storing billing information in a remote computer using said remote mobile device"

are not disclosed in the cited references.

In the office action dated 06/05/2007, the Examiner requested to particularly point the distinction over Lee '432.

In addition to the above comments, the Applicant respectfully submits that Lee '432 disclosure as a whole points to communication method utilizing a central

collaboration computer 120 which is a mainframe, multi-processor supercomputer, or a multi-processor workstation, such as a type available from Silicon Graphics, Inc./SGI of Mountain View, Calif. (see col. 12 lines 9-14). As shown in conjunction with FIG. 2, and mentioned repeatedly in the disclosure, the communication methodology involves a central collaborative computer.

In the Applicant's disclosure and methodology the communication is directly with the interface device via a tower, and does not involve the concept of "a central collaborative computer" (see FIG. 1A, 1B, 1C).

Claim Rejections - 35 USC § 112

Claims 4, 8, 10, 11, 12, 13, 20, 21, 23, 29, 30, and 31 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant has amended the claim language on the above claims and believes that they now conform with 35 U.S.C. 112, second paragraph.

Claim Rejections - 35 USC § 102 and 35 USC § 103

Claims 8-9, 11, 14 stand rejected under 35 U.S.C. 102(e) as being anticipated by Lee USPN 6,442,432.

Claims 1, 3-7, 12, 15-16, 18-22, 24-25, 27-30 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Lee USPN 6,442,432 in view of Bauhahn et al. USPN 7,082,333 or Boies et al. USPN 6,539,947.

Applicant respectfully traverses the rejection.

Applicant submits that amended independent claims 1, 8, 15 and 24 include limitations not disclosed or suggested in Lee '432, Bauhahn et al. '333 and Boies et al. '947 either alone or in combination.

Lee '432 teaches networking with a central collaborative computer and the patent disclosure as a whole suggests routing the IMD data to a central computer system. Bauhahn '333 teaches to create personalized therapy programs. The Bauhahn '333 disclosure as a whole allows a patient to access stored preset patient therapy programs and to create personalized therapy programs from preset therapy programs to accommodate the patient's particular activity. Bauhahn '333 does not teach or suggest that new programs be created by the physician and remotely downloaded by the physician to be tried by the patient.

Boies '947 is generally directed to determining a setting for implantable devices based on the activity information and the configuration information.

Lee '432 alone or in combination with Bauhahn '333 and/or Boies '947 do not teach or suggest the claimed combination of the amended independent claims 1, 8, 15 and 24.

Applicant submits that dependent claims 2-7, 9-14, 16-23 and 25-31 are dependent on independent claims 1, 8, 15 and 24, and therefore should be allowable at least because of their dependence on the respective independent claims.

It is respectfully submitted that the rejections have been overcome and the pending claims are in condition for allowance. An indication of allowability of pending claims is earnestly solicited.

If the Examiner has any comments or suggestions which could place this application in even better form, or if the Examiner feels that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

A handwritten signature in black ink, reading "Birinder K. Boveja". The signature is written in a cursive, flowing style.

Birinder (Bob) Boveja

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